



## Ontario: Revised Statutes

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1980

# c 376 Pesticides Act

Ontario

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## CHAPTER 376

## Pesticides Act

## 1.—(1) In this Act,

Interpre-  
tation

- (a) “air” means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
- (b) “Board” means the Environmental Appeal Board referred to in Part XI of the *Environmental Protection Act*; R.S.O. 1980,  
c. 141
- (c) “Committee” means the Pesticides Advisory Committee;
- (d) “environment” means the natural environment, a building, structure, machine and vehicle, or any of them;
- (e) “extermination” means a land extermination, structural extermination or a water extermination;
- (f) “extermination business” means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
- (g) “exterminator” means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
- (h) “land” means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;
- (i) “land extermination” means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
- (j) “licence” means a licence issued under this Act and the regulations;

- (k) "licensee" means a person who is the holder of a licence under this Act;
- (l) "Minister" means the Minister of the Environment;
- (m) "Ministry" means the Ministry of the Environment;
- (n) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
- (o) "operator" means a person who has the control and management of an extermination business, and "operate" has a corresponding meaning;
- (p) "permittee" means a person who is the holder of a permit under this Act;
- (q) "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
- (r) "person responsible", when used with reference to a pesticide, substance or thing, means,
  - (i) the owner,
  - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
  - (iii) the person having the charge, management or control,of the pesticide, substance or thing;
- (s) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;
- (t) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a

means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* R.S.C. 1970, c. P-10 (Canada);

- (u) "prescribed" means prescribed by the regulations;
- (v) "provincial officer" means a person who is designated under section 17;
- (w) "regulations" means the regulations made under this Act;
- (x) "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;
- (y) "water" means surface water and ground water, or either of them;
- (z) "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. 1973, c. 25, s. 1; 1974, c. 21, s. 1 (1); 1979, c. 79, s. 1.

(2) In this Act, "the Director" means a Director appointed under section 3. 1974, c. 21, s. 1 (2). Idem, Director

**2.** The Minister, for the purpose of the administration of this Act and the regulations, may, Powers and duties of Minister

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;

- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;
- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;
- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. 1973, c. 25, s. 2.

Appointment  
of  
Directors

3.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

Limitation of  
authority of  
Director

(2) The Minister, in an appointment pursuant to subsection (1), may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 21, s. 2.

Prohibition

4. No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;

- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. 1973, c. 25, s. 3.

5.—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations.

Prohibition  
as to  
extermina-  
tions

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations.

Licence  
required to  
operate  
extermina-  
tion business

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations.

Idem.  
assistant  
structural  
exterminator

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. 1973, c. 25, s. 4.

Notice as  
to assistants  
to land  
exterminators  
or water  
exterminators

6. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. 1973, c. 25, s. 5.

Licence to  
sell, offer to  
sell or  
transfer

Where  
permit  
required

**7.**—(1) No person shall perform a land extermination or a structural extermination,

- (a) by means of a pesticide;
- (b) by means of a pesticide of a class; or
- (c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

Idem

(2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or he is exempt under the regulations. 1973, c. 25, s. 6.

Responsi-  
bility for  
acts or  
omissions

**8.** For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. 1973, c. 25, s. 7.

Liability  
insurance

**9.** An operator shall insure against liability or furnish a bond as provided for by the regulations. 1973, c. 25, s. 8.

Advisory  
Committee

**10.**—(1) The Committee known as the Pesticides Advisory Committee established under *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.

Quorum

(2) Six members of the Committee constitute a quorum.

Functions

- (3) The Committee shall,
- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
  - (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister;

- (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and
- (d) perform such other functions as the regulations prescribe. 1973, c. 25, s. 9.

11.—(1) Subject to subsection (2), the Director shall issue <sup>Issuance of licence or permit</sup> or renew a licence under section 5 or 6, and subject to subsection (3), the Director shall issue a permit under section 7 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue <sup>Revocation and refusal of licence</sup> or renew a licence or may suspend or revoke a licence where, in the opinion of the Director,

- (a) the applicant or licensee is in contravention of this Act or the regulations;
- (b) the licensee is in breach of any term or condition of the licence;
- (c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;
- (d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;
- (e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;
- (f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;
- (g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or



- (h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business.

Revocation  
and refusal  
of permit

(3) The Director may refuse to issue or may cancel a permit, may impose terms and conditions in issuing or after issuing a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds, that,

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 7 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. 1973, c. 25, s. 10.

**12.** A licence expires on the 15th day of February in the year next following the year in which it was issued. 1973, c. 25, s. 11. Term of licence

**13.—(1)** Where the Director proposes,

Proposal to refuse to issue licence, etc.

(a) to refuse to issue or renew a licence ;

(b) to suspend or revoke a licence ; or

(c) to make, amend or vary a control order,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection (1) shall inform the applicant, licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection (1) is served on him, notice in writing requiring a hearing, and he may so require such a hearing. Notice

(3) Where an applicant, licensee or person to whom the Director intends to direct the control order does not require a hearing by the Board in accordance with subsection (2), the Director may carry out the proposal stated in his notice under subsection (1). Powers of Director where no hearing

(4) Where an applicant, licensee or person to whom the Director intends to direct the control order requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director. Powers of Board where hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection (1), either before or after the expiration of such Extension of time for requiring hearing

time, where it is satisfied that there are reasonable grounds for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection (1), and the Board may give such directions as it considers proper consequent upon the extension.

Continuation  
of licence  
pending  
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Emergency  
notice

(7) Notwithstanding subsection (6), where the Director is of the opinion that an emergency exists by reason of,

(a) danger to the safety or health of any person;

(b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;

(c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;

(d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or

(e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 9,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor. Where permit cancelled or terms or conditions imposed or altered

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective. Reconsideration

(10) A permit issued by the Director subject to a term or condition and a notice under subsection (8) shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection (9) is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing. Notice

(11) Notwithstanding the making of submissions by an applicant or a permittee under subsection (10), the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection (8). Effect of service of notice

(12) Subsections (4) and (5) apply with necessary modifications to a hearing by the Board required under subsection (10). 1973, c. 25, s. 13. Application of subss. (4), (5)

**14.—**(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13. Parties

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable Notice of hearing

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

Examination  
of docu-  
mentary  
evidence

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members  
holding  
hearing  
not to  
have taken  
part in  
investigation,  
etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of  
evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings  
of fact

R.S.O. 1980,  
c. 484

(6) The findings of fact of the Board following upon a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Only  
members  
at hearing  
to participate  
in decision

(7) No member of the Board shall participate in a decision of the Board following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of  
documentary  
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1973, c. 25, s. 14.

Appeal  
to court

**15.—**(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court.

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under subsection (1). Minister entitled to be heard

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection (1), may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1973, c. 25, s. 15. Appeal to Minister

**16.**—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or the Committee or a Crown employee within the meaning of the *Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority. 1974, c. 21, s. 3. Protection from personal liability  
R.S.O. 1980, c. 418

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1973, c. 25, s. 16 (2). Crown not relieved of liability  
R.S.O. 1980, c. 393

**17.**—(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations. 1973, c. 25, s. 17 (1). Provincial officers

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time Powers of provincial officer

and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts. 1973, c. 25, s. 17 (2); 1974, c. 21, s. 4.

Order  
authorizing  
entry

(3) Where a justice of the peace is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the justice of the peace may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions that are mentioned in subsection (2), but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the justice of the peace authorizes the provincial officer, by the order, to so act at another time.

Information

(4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction  
of provincial  
officer

(5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. 1973, c. 25, s. 17 (3-5).

Calling for  
assistance of  
member of  
police force

**18.** Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. 1973, c. 25, s. 18.

Matters  
confidential

**19.** Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or

- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except,

- (c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (d) to his counsel; or
- (e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. 1973, c. 25, s. 19.

**20.—**(1) Where the Director or a provincial officer is of the <sup>Stop order</sup> opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or
- (d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time.



**Immediate  
appeal**

(2) A person who is affected by a stop order made by a provincial officer under subsection (1) may appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer.

**Written  
reasons  
for order**

(3) Where the Director makes a stop order or varies or confirms a stop order under subsection (2), the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.

**Notice**

(4) A stop order, or a stop order as varied or confirmed, under subsection (3) shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection (3), is served on him, notice in writing requiring a hearing and he may so require such a hearing.

**Effect of  
stop order**

(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately.

**Appeal to  
Board**

(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.

**Powers of  
Board where  
hearing**

(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection (6), the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.

**Parties**

(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

(9) Subsection 13 (5), subsections 14 (2), (3), (4), (5), (6), (7) and (8) and section 15 apply with necessary modifications to proceed-<sup>Application of ss. 13 (5), 14 (2-8) and 15</sup> ings under this section.

(10) The Director, by an order, may rescind a stop order<sup>Revocation of stop order</sup> and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. 1973, c. 25, s. 20.

**21.**—(1) Where the handling, storage, use, disposal, trans-<sup>Control order</sup> portation or display of a pesticide or a substance or thing containing a pesticide,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to affect adversely the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

the Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person<sup>Content of control order</sup> to whom the order is directed to,

- (a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;
- (b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment,
  - (i) permanently,

(ii) for a specified period of time, or

(iii) in the circumstances set out in the order; and

(c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.

Amendment  
of control  
order

(3) The Director, under any of the circumstances set out in subsection (1) and in accordance with subsection (2), by a further order, may amend or vary a control order and sections 13, 14 and 15 apply with necessary modifications.

Revocation of  
control order

(4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. 1973, c. 25, s. 21.

When  
Director to  
be notified

**22.** Every person who deposits, adds, emits or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. 1973, c. 25, s. 22.

Minister  
may order  
repair of  
damage

**23.—(1)** Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a

pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed. Cleaning and decontamination

(3) No person shall use the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. 1973, c. 25, s. 23. Idem

**24.**—(1) An order of the Minister, the Director or a provincial officer under this Act is binding upon the successor or assignee of the person to whom it is directed. Order binds successor or assignee

(2) The Ministry shall maintain an alphabetical index record of the names of all persons to whom orders are directed under this Act. Index record

(3) When an order has expired or is rescinded, the Ministry shall remove from the index record the name of the person to whom the order is directed. Removal of name from index record

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person Search of index record

making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. 1973, c. 25, s. 24.

The Crown

**25.** This Act binds the Crown. 1973, c. 25, s. 25.

Licences or  
permits not  
transferable

**26.** A licence or a permit under this Act is not transferable. 1973, c. 25, s. 26.

Exemption

**27.** Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant for a licence issued by the Director under section 6 or the holder of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. 1973, c. 25, s. 27.

Regulations

**28.** The Lieutenant Governor in Council may make regulations,

1. prescribing classes of licences and the requirements for licences and renewals;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption;
3. providing for the issue and renewal of licences and prescribing fees therefor;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners;

8. requiring applicants for licences to undergo medical examinations;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 7;
12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;

21. prescribing forms and providing for their use for the purposes of this Act;
22. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
23. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;
24. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
25. regulating the type of containers and the labelling of containers for pesticides, other than the containers in which pesticides are sold or offered for sale;
26. regulating the disposal of containers of pesticides;
27. prescribing the records to be kept and returns to be made by licensees;
28. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
29. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
30. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
31. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;

32. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
33. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
34. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. 1973, c. 25, s. 28; 1979, c. 79, s. 3.

**29.**—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both. Scope of regulations

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. 1973, c. 25, s. 29. Adoption of codes in regulations

**30.** The Minister may charge and collect for payment to the Treasurer of Ontario such fees as the Minister considers proper for all copies of pamphlets, brochures, documents, maps, plans or drawings supplied by the Ministry. 1973, c. 25, s. 30; 1974, c. 21, s. 5. Fees for copies

**31.**—(1) Any notice, order, decision or other document required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director. Service

(2) Where service is made by registered mail in accordance with subsection (1), the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, When service deemed made



through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1973, c. 25, s. 31.

Enforcement  
of perform-  
ance of things  
required to  
be done

**32.** Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. 1973, c. 25, s. 32.

False  
information

**33.** No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations. 1974, c. 21, s. 6.

Offence

**34.** Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and for a second or subsequent offence to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. 1973, c. 25, s. 34.

Multiple  
information

**35.** An information or certificate of offence in respect of any matter under this Act may be for one or more offences and no information, certificate of offence, summons, offence notice, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. 1973, c. 25, s. 35.

Certificates,  
etc., as  
evidence

**36.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. 1973, c. 25, s. 36.

**37.**—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

Proceedings to prohibit continuation or repetition of contravention

(2) An appeal lies to the Divisional Court from an order made under subsection (1). 1973, c. 25, s. 37, *revised*.

Appeal

**38.** Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. 1973, c. 25, s. 38.

Conflict

